

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: MIETKIEWSKA, Elzbieta; TAYLOR, David, C.; KATAVIC, Vesna  
Serial No.: 10/596,024  
Filed: May 15, 2007  
Title: FATTY ACID ELONGASE (FAE) GENES AND THEIR UTILITY IN  
INCREASING ERUCIC ACID AND OTHER VERY LONG-CHAIN  
FATTY ACID PROPORTIONS IN SEED OIL  
Group: 1638  
Examiner: Vinod Kumar  
Attorney Ref.: PAT 989W-2 US

December 20, 2010

Mail Stop: AF  
Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia  
22314-1450  
U.S.A.

Dear Sir:

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

This letter is in response to the Notice of Non-Compliant Amendment (37 CFR 1.121). Applicant respectfully requests reconsideration and withdrawal of the Notice as the letter filed on November 5, 2010 was a submission of proposed claims in preparation for a telephone interview with Examiner Kumar on the same date.

Following that telephone interview, applicant filed a Request for Continued Examination and a Response on November 25, 2010 which, it is respectfully submitted, is compliant. We note that this Request for Continued Examination and Response have been made part of the USPTO Public PAIR record for this case.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments, to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

**First Inventor's Name, et al**

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